FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.9167 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Shri D.K.Ghaisas for the petitioner.

Coram : R.S.Mohite,J

Date : 17.11.2005.

PC

1. This is a petition filed by the petitioner challenging the orders passed by the Additional Collector, Raigad-Alibag in RTS Appeal No.21/93 as confirmed by the Additional Commissioner, Konkan Division, Mumbai. The petitioner claims to be a protected tenant. His name was shown as a protected tenant vide mutation entry no.116. The land in question was however, purchased by one Dattatraya Choudhari who was a predecessor

in title of the respondents vide sale deed dated 13.3.1945. Mutation entry no.99 in respect of the sale deed was taken on record. However, when the petitioner had entered his name in mutation entry no.116, the said Dattatraya Choudhari has filed tenancy case and had got the tenancy rights of the applicant cancelled vide the decision of the Mamletdar dated 12.1.1956 and this cancellation was recorded. In my view, the petitioner can get his right established under Section 70-B of the Bombay Agricultural Tenancy Lands Act if he so desires. There is no need to interfere in the concurrent findings of the two lower revenue authorities. This is not a fit case to interfere in my jurisdiction under Article 227 of the Constitution of India. Petition is rejected.

(R.S.Mohite,J)